REMARKS

STATUS OF THE CLAIMS

Claims 2-6 and 8-17 are pending in the application.

Independent claim 17 is rejected under 35 USC 112, second paragraph, for indefiniteness and under 35 USC 101 for being directed to non-statutory subject matter.

Independent claims 13 and 17 are rejected under 35 USC 102(e) as being anticipated by Okamoto (US Patent No. 6,989,845). Okamoto is newly cited, and, thus, newly relied upon.

Dependent claims 14-16 depending from rejected independent claim 13 are objected to as being allowable if amended into independent form.

Claims 2-6 and 8-12 are allowed.

Thus, claims 2-6 and 8-17 remain pending for reconsideration, which is respectfully requested. The foregoing rejections are hereby traversed. No new matter has been added.

REJECTIONS

35 USC 112, SECOND PARAGRAPH, AND 35 USC 101 REJECTIONS

Independent claim 17 is rejected under 35 USC 112, second paragraph, for indefiniteness and under 35 USC 101 for being directed to non-statutory subject matter.

Contrary to the Office Action item 1 indefiniteness characterization, claim 17 does not recite a process of using the apparatus, but clearly recites "A machine readable storage ***storing at least one program controlling a moving image processor*** according to a process comprising: ..." In other words, a program recorded on the machine readable storage controls an apparatus to accomplish a practical application. That is, the claimed present invention's "***moving image processor***" is controlled by a program to produce a "useful, concrete, and tangible result" - State Street Bank & Trust Co. v. Signature Financial Group Inc., 149 F.3d 1368, 1373-1374 (MPEP 2106 II.A) - of "***removing spurious still regions and spurious motion regions during an image field motion detection***, based upon ***a limited added to or a limited subtracted from, pixel motion information values of a current image field using only immediately preceding and succeeding image fields to the current image field.***"

Further, claim 17 is "***A machine readable storage***" type claim to control "***a moving image processor***," which is clearly statutory subject matter by being directed to a product, namely "***a machine readable storage storing at least one program controlling a moving image processor***." MPEP 2173.05(p), which is relied upon by the Office Action, relates to a "product-by-process" type claim, however, the claimed present invention's claim 17 is a product type claim.

Accordingly, independent claim 17 is statutory subject matter and definite, and withdrawal of the rejection is respectfully requested.

35 USC 102(e) REJECTION

Okamoto is newly cited, and, thus, newly relied upon.

Okamoto column 5, lines 14-65, which is relied upon by the Office Action item 3, discusses "a corrected gray level signal is outputted with input of an original signal of a picture, the foregoing gray level information, and the foregoing motion information" (column 5, lines 52-56). Okamoto column 5, lines 57-63 discusses "the motion picture pseudo contour correction is executed based on inputs of not only a grey level shift from a focused pixel to an adjacent pixel but also motion information such as a motion vector indicative of a speed and a direction of motion of a picture from a focused pixel to an adjacent pixel, so that a corrected gray level signal is outputted." Further, Okamoto column 17, starting at line 61, discuss "formularization of correcting formulae."

Therefore, Okamoto relates to correcting grey levels based upon motion information of an adjacent pixel. However, in contrast to Okamoto, the claimed present invention provides:

> 13. (PREVIOUSLY PRESENTED) A moving image processor, comprising:
>
> a motion detector detecting motion information values representing presence and absence of a motion for each pixel/block of an input nth image field; and
>
> a motion calculator ***adjusting according to a formulaic value the detected motion information values of the input nth image field*** based upon motion information values of an input n+1th image field.

In other words, Okamoto cannot anticipate the claimed present invention, because Okamoto fails to disclose or suggest, either expressly or inherently, each and every element of

the claimed present invention, for example, "***adjusting ... the detected motion information values of the input nth image field*** based upon motion information values of an input n+1th image field," but Okamoto corrects a gray level signal.

Further, in contrast to Okamoto, the claimed present invention as recited in independent claim 17 provides:

> 17. (PREVIOUSLY PRESENTED) A machine readable storage storing at least one program controlling a moving image processor according to a process comprising:
>
> ***removing spurious still regions and spurious motion regions during an image field motion detection***, based upon a limited added to or a limited subtracted from, pixel motion information values of a current image field using only immediately preceding and succeeding image fields to the current image field.

The Office Action page 3 relies on Okamoto column 5, lines 40-44, however, Okamoto discusses a conventional method to reduce a motion picture pseudo contour ***between gray level shifts*** by inserting a correction gray level value or a correction pulse according to the gray level shifts, where "a light emission block for adjustment of luminance is added or subtracted to or form a light emission block of a pixel where light emission state changes from a frame to a next frame, according to the state of the change." In contrast to Okamoto, the claimed present invention provides "removing spurious still regions and spurious motion regions ***during an image field motion detection***." In other words, Okamoto does not relate to image field motion detection, but Okamoto relates to ***gray level shifts at which a motion picture pseudo contour occurs***. Therefore, Okamoto cannot anticipate the claimed present invention, because Okamoto fails to disclose or suggest, either expressly or inherently, each and every element of the claimed present invention, for example, "***removing spurious still regions and spurious motion regions during an image field motion detection***."

In view of the remarks, withdrawal of the rejection of pending claims and allowance of pending claims is respectfully requested.

CONCLUSION

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

Respectfully submitted,
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